

Remarks

The Examiner rejected claims 17, 25, and 28, objected to claims 19–24, and allowed claims 1–5 and 8–16. Claims 16, 17, 20–23, and 28 have been amended. Claims 6, 7, 18, 26, and 27 were previously canceled. Claims 1–5, 8–17, 19–25, and 28 remain in the application.

The Examiner rejected claims 17 and 25 under 35 USC § 103(a) as being unpatentable over Lapeyre et al. in view of Carpenter (US 1,532,228) and further in view of Bonnet (US 5,988,356), and merely objected to claims 19–24. Claim 17 has been amended to incorporate the limitations of objected-to claim 20, but to delete limitations previously imported from original claim 18 (previously canceled). Applicant considers those deleted limitations unnecessary in claim 17, whose rejection should now be withdrawn. Claim 20 has been amended to present the limitations deleted from claim 17 in dependent form. Claims 21–23 have been amended to depend from amended claim 17. The rejections of or objections to dependent claims 19–25 should likewise be withdrawn.

The Examiner rejected claim 28 under 35 USC § 103(a) as being unpatentable over Lapeyre et al. in view of Bonnet. Claim 28 has been amended. MPEP § 2142 provides: “[T]he prior art reference (or references when combined) must teach or suggest all the claim limitations.” Lapeyre et al. and Bonnet, in combination, do not show all the limitations of the claims as amended and, furthermore, do not suggest the modification of its own teaching to arrive at applicant’s invention. Neither reference shows, for example, “first and second exit conveyors abutting the belt at the first and second sides, respectively, for receiving conveyed articles diverted off the first and second sides of the belt” or “a first linear drive disposed at a first location defining a first lateral track above the outer surface of the belt and generally perpendicularly traversing the belt and a second linear drive disposed at a second location spaced

from the first location in the conveying direction and defining a parallel second lateral track above the outer surface of the belt." Consequently, the rejection of claim 28 is unsupported by the art and should be withdrawn.

Claim 16 was amended to depend from claim 14 instead of claim 1.

Applicant respectfully requests entry of the amendments to the claims and reconsideration of the rejection of the claims in view of the remarks and amendments. Applicant is also filing an Information Disclosure Statement with this amendment. This amendment is being filed within three months of the Office Action, and no claims are being added. Consequently, no fee should be due. If, however, a fee is due for this amendment to be considered, it should be charged to Deposit Account No. 12-0090. If the Examiner thinks a telephone conference would expedite the prosecution of this application, he is invited to call the undersigned attorney.

Respectfully submitted,
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